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16 **Of Counsel**

17 **UNITED STATES DISTRICT COURT**
18 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

19 **SAN FRANCISCO DIVISION**

20 **AMERICAN MOTORISTS INSURANCE**
21 **COMPANY, an Illinois corporation**

22 **Plaintiff,**

23 **v.**

24 **FIREMAN'S FUND INSURANCE COMPANY,**
25 **a California corporation**

26 **Defendants,**

27 **CASE NO. C-05-1030-CRB**

28 **STIPULATION AND ORDER**

WHEREAS, the above captioned matter had previously been set for a Settlement Conference on October 6, 2005 before the Honorable Magistrate Judge Laporte;

WHEREAS, by order dated October 11, 2005, the court continued the Settlement Conference and ordered that the parties submit a letter brief to Magistrate Judge Laporte regarding the status of this case either immediately following the conclusion of the trial in the underlying case that was scheduled for November 29, 2005, or no later than January 3, 2006;

1 WHEREAS, the parties submitted a joint letter brief regarding the status of the case on
2 January 3, 2006, advising that the trial did not occur as scheduled and that a hearing on a significant
3 motion in that case is scheduled for February 27, 2006.

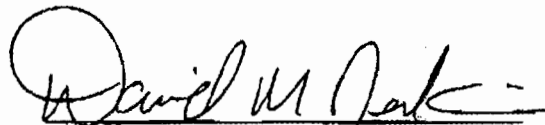
4 Accordingly, the parties hereto, by and through their respective counsel, stipulate as follows:

5 1. The Settlement Conference scheduled before Magistrate Judge Laporte is continued
6 subject to further order of the court.

7 2. The parties are to submit a letter brief to Magistrate Judge Laporte regarding the status
8 of this case immediately following the ruling in the underlying litigation on the motion to permit lost
9 royalties as a measure of compensatory damages that is set for hearing on February 27, 2006, or no
10 later than March 13, 2006, whichever comes earlier.

11 So Stipulated:

12 Date: 1/3/06

13 
14 David M. Jenkins, Barone & Jenkins, P.C.

15 Dated: 1/3/06

16 
17 Andrea Kendrick, Kaufman & Logan, LLP

18 IT IS SO ORDERED.

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20 Dated: 1/9/06

21 
22 Hon. Magistrate Judge Elizabeth Laporte
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